

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Case No. 20-12411 (JLG)

In re

Chapter 11

GENEVER HOLDINGS, LLC,

Debtor.

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**DECLARATION OF RICHARD C. MORRISSEY IN SUPPORT
OF THE UNITED STATES TRUSTEE'S MOTION FOR AN
ORDER DIRECTING THE APPOINTMENT
OF A CHAPTER 11 TRUSTEE PURSUANT TO
SECTION 1104 OF THE BANKRUPTCY CODE**

I am a Trial Attorney for movant, William K. Harrington, the United States Trustee for Region 2 (the “United States Trustee”). Within his Office, I am responsible for monitoring these chapter 11 cases captioned above on her behalf. I make this declaration based on personal knowledge, information and belief formed from records of the Office of the United States Trustee, kept in the ordinary course of its business, and my personal review earlier today of the docket of these case on the PACER information system. If called, I would testify to the following:

1. On October 12, 2020 (the “**Petition Date**”), Genever Holdings, LLC (the “**Debtor**”) filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. ECF Doc. No. 1. To date, the Debtor remains in control of its assets pursuant to sections 1107 and 1108 of the Bankruptcy Code.
2. To date, the United States Trustee has been unable to appoint an official committee of unsecured creditors in the Debtors’ cases.
3. On December 16, 2020, Pacific Alliance Opportunity Fund (“**PAX**”) filed a

Motion to Modify the Automatic Stay to Proceed with State Court Action (the “**Lift-Stay Motion**”). ECF Doc. Nos. 12-14. Subsequently, on January 8, 2021, PAX filed a Motion for an Order Under 11 U.S.C. § 1112(b) Converting the Debtor’s Case to a Case Under Chapter 7 or, in the Alternative, for an Order Under 11 U.S.C. § 1104(a) Appointing a Trustee to Administer the Debtor’s Estate (the “**Conversion/Chapter 11 Trustee Motion**”). ECF Doc. Nos. 28-30.

4. Both the Lift-Stay Motion and the Conversion/Chapter 11 Trustee Motion are pending before this Court.

5. On March 5, 2021, the Debtor filed an Amended Motion to Approve Attached Stipulation of Settlement with Bravo Luck and PAX (the “**Amended Settlement Motion**”). ECF Doc. No. 62. The Amended Settlement Motion, which incorporates a Settlement Agreement among, *inter alia*, the Debtor and PAX of the issues raised in the Lift-Stay Motion and the Conversion/Chapter 11 Trustee Motion, is pending before this Court.

I declare under penalty of perjury that the information contained in this Declaration is true and correct.

Dated: New York, New York
March 22, 2021

/s/ Richard C. Morrissey
RICHARD C. MORRISSEY